

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH BAKER,

Plaintiff,

v.

STATE OF WASHINGTON DEPARTMENT  
OF CORRECTIONS,

Defendant.

Case No. C08-5081 FDB/KLS

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Before the Court is Plaintiff's motion for appointment of counsel (Dkt. # 1, Attachment # 2). Having reviewed the motion, the Court finds, for the reasons stated below, that the motion should be denied.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

1 Plaintiff has not demonstrated that the issues involved in this case are complex. While  
2 Plaintiff asserts that his imprisonment limits his access to legal resources and that he has limited  
3 legal training, these are the same limitations faced by all pro se litigants. These are not exceptional  
4 factors indicating that appointment of counsel is warranted. In addition, Plaintiff has also not  
5 shown that there is a likelihood of success on the merits.

6 Accordingly, Plaintiff's motion to appoint counsel (Dkt. # 1, Attachment # 2) is **DENIED**.  
7 The Clerk is directed to send copies of this Order to Plaintiff.

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9 DATED this 25th day of February, 2008.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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